

## **REMARKS / ARGUMENTS**

### **Amendments to the Claims**

Claim 3 is amended to correct a typographical error by deleting the word "in".  
Claims 8 and 9 are canceled to address the Examiner's rejection of such claims under 35 USC §103.

### **Claim Rejections -- 35 USC § 102(b)**

In numbered paragraph 3 of the Office Action the Examiner rejects claims 2 and 6 as being anticipated by Utterback (US patent number 2,317,566). Applicants respectfully disagree and note that to anticipate a claim, the cited reference must teach each and every element of the claim. See MPEP §2131 at page 2100 - 76 (Rev. 3, August 2005) citing *Verdegaal Bros v. Union Oil Co. of California*: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Quite distinct from the instant invention, Utterback teaches an apparatus and process for spray coking, which is a distinct and fundamentally different coking technology from the delayed coking systems and processes disclosed and claimed in the instant invention. As shown in Utterback spray coking involves a two vessel coking system with connected upper and lower vessels. Heated petroleum hydrocarbon feed is sprayed under pressure into the top portion of the upper vessel where the coking process occurs. As coke forms and precipitates in the upper vessel it falls into and is collected in the lower vessel. Spray coking is known in the art as a continuous process. Therefore, during the coking process a valve between the upper and lower vessels remains open to allow the precipitated coke to collect in the lower coke receiving vessel. Although not disclosed or explained in Utterback, presumably for this continuous process to operate, when the lower coke collection vessel is full the valve between the upper vessel and the lower vessel can be closed to allow removal of accumulated coke without ceasing the coking process in the upper vessel.

In contrast the process of delayed coking is a batch process, as opposed to a continuous process, that involves use of a single, delayed coking vessel wherein preheated petroleum hydrocarbon feed is injected into the bottom portion of the vessel either at a central location in the bottom of the vessel or, as in the instant case, a side entry position near the bottom of the vessel. The apparatus and processes used for delayed coking are described in substantial detail in the disclosure of the instant invention at pages 1 through 15, which are incorporated into this Response by reference. Utterback does not teach, either expressly or inherently, coking petroleum hydrocarbons by use of a single delayed coking vessel and therefore does not anticipate the instant invention.

In view of the above argument, Applicants respectfully request withdrawal of the rejection of claims 2 and 6 as being anticipated by Utterback.

### **Claim Rejections -- 35 USC § 103**

In numbered paragraph 5 of the Office Action the Examiner rejects claims 8 and 9 under 35 USC 103(a) as being unpatentable over Utterback in view of Loth (US patent 6,367,803). In response Applicants have canceled claims 8 and 9. Accordingly, the rejection is obviated.

### **Allowable Subject Matter**

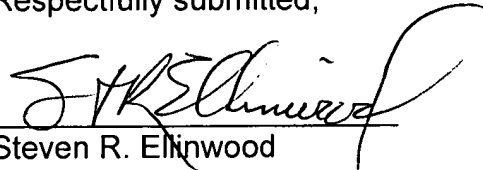
Applicants note with appreciation the Examiner's finding of allowable subject matter in claim 3; however, in view of the arguments set forth above Applicants respectfully urge the Examiner to allow claims 2, 3 and 6 as presented in the Listing of Claims submitted with this Response.

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### **CONCLUSION**

In view of the amended claims submitted herewith and the **Remarks / Arguments** set forth above, Applicants believe that the claims currently pending in this matter are now in condition for allowance and respectfully request the Examiner to issue a Notice of Allowance in this matter in a timely fashion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. R. Ellinwood", written over a horizontal line.

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